THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 2504 of 1999

Date: 09-06-2006

Between:

P.Shankaraiah

..... PETITIONER

AND

The Commissioner, S.C. Welfare,
A.P., Hyderabad and three others.

....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 2504 of 1999

O R D E R:

This writ petition is filed seeking a declaration that the proceedings, dated 18-12-1998 issued by the fourth respondent-Joint Collector, Ranga Reddy District, are arbitrary and illegal.

The impugned order was passed under Section 5(1) of the Andhra Pradesh (Scheduled Caste, Scheduled Tribes & Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act') canceling the social status certificate of the petitioner. The said order is under challenge primarily on the ground that the fourth respondent has no authority to cancel the caste certificate under the provisions of the Act.

It is not in dispute that under the provisions of the Act, which came into force with effect from 16-05-1997 the District Collector alone is competent to pass such order under Section 5(1) of the Act.

In the circumstances, on the face of it, the impugned order is without jurisdiction and on that ground alone, it is liable to be set aside.

Accordingly, the writ petition is allowed and the impugned order is set aside. However, it is left open to the respondents to take appropriate proceedings afresh following due process of law. No costs.

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G.ROHINI, J

Dated:09-06-2006
KLP